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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,326	01/14/2002	Laurent Roullet	Q68075	6676
23373 7590 03/03/2009 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
EXAMINER				
QURESHI, AFSAR M				
ART UNIT		PAPER NUMBER		
2416				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/043,326

**Applicant(s)**

ROULLET ET AL.

**Examiner**

AFSAR M. QURESHI

**Art Unit**

2416

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 July 2008 and 05 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. This Office Action is in response to Request for Continued Examination (RCE) received on 06/05/2008.

New claims 7-9 were added in the amendment received on 05/05/2008, referred to in RCE, now made of record.

Claims 1-9 are pending in the application.

***Drawings***

2. The corrected drawing sheet is objected to because it has details such as "Docket No. Q68075; Amdt. Dated July 10, 2008; reply to Notice of June 16, 2008", on top of the sheet. Applicant is requested to remove the above details. This is a minor objection.

***Claim Rejections - 35 USC § 102***

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1, 4 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Feldman (US 6,393,000).

As to claims 1 and 4, Feldman discloses a network station 4, a *relay for use in telecommunication equipment* (figs. 2 and 5, earth stations), receiving information streams from PSTN 2, consisting of signal and data (D and V) including 'silence code' (*empty cells*), a packet data interface unit 12 (*mixer*) detects the silence code received from codec 10. Codec 10 comprising a stream analyzer 46 (fig. 3) analyzing information stream (see col. 3, lines 60 through col. 4, lines 1-5). Comparator 25 stores cell information (*memory*). Decoder 22 (fig. 5) extracts identifying code ID (*waiting cells*) from comparator 25, based on the match, the comparator 25 closes a data switch 26 and the decoder outputs the data (i.e., the combined function of switch 26 works as *transmitter*), replacing empty information cells with waiting cells (see col. 4, lines 23-56).

Feldman further discloses that the data is stored in LES 4 with silence codes and voice signal V is analyzed for voiced/unvoiced stream (for real-time stream or a differed-time stream) and generates a set of decisions to choose from the stored data

As to claim 7, the telecommunication equipment disclosed by Feldman is in satellite environment (see, for example, figure 1, col. 5, lines 7-17).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 3, 5, 6, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feldman in view of Thiesfeld (US 6,529,971).

In addition to the limitations discussed above in the rejection of claims 1, 4 and 7, Feldman discloses time sequence functionality (see col. 5, lines 43-50). Feldman is concerned, essentially, to a fair bandwidth allocation and transmission scheduling where policing functions are required to guarantee the QoS established at call set up by controlling the bit rate behavior during voice communication where bandwidth is reserved and/or facsimile communication based on needed bit rate. During voice communication silence codes are included. One of ordinary skill in the art would readily realize that the silence codes (empty information cells) are related to a difference between needed bit rate and reserved bandwidth (claims 8 and 9).

Feldman is silent about a relay with a Deleter, as in claims 2 and 5 and Mixer adapted to choose waiting cells as a function of time scheduling rules (claims 3 and 6).

Thiesfeld, in the field of transmission of information signal, discloses an adaptive elasticity first-in, first-out (FIFO) buffer, with a control circuit monitoring *deletion* in the FIFO buffer that is also a *deleter*. The FIFO buffer 316 stores the word from decoders

314, a state machine 365 controls a read/write pointers to maintain the first-in, first-out logic and to provide *fill words* (see Abstract and col. 6, lines 23 through col. 7, lines 1-2).

Therefore, it would have been obvious to one having ordinary skill in the art, at the time of invention, to be able to modify Feldman (see fig. 5) by incorporating FIFO buffer including state machine 365 of Thiesfeld to enable a mixer (or decoders) to choose waiting cells in time scheduling fashion. By incorporating FIFO, as above, will reduce the interference between the signals and enhance the transmission of information signals desired by Feldman (see col. 2, lines 14-22).

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wright et al. (US 6,512,749).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AFSAR M. QURESHI whose telephone number is (571)272-3178. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272 7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

2/26/2009

/Afsar M Qureshi/  
Primary Examiner  
Art Unit 2416